

REMARKS

OVERVIEW

Claims 1-10 and 17-18 are pending in this application. Claims 11-16 have been cancelled. Claims 1 and 17 have been amended. The present response is an earnest effort to place the application in proper form for allowance.

ISSUES UNDER 35 U.S.C. § 102(b)

Claims 1, 2, 4-9, 11, 12, and 14-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,721,783 to Anderson. Claims 11-16 have been cancelled, thereby mooted those rejections. In addition, independent claims 1 and 17 have been amended. Claim 1 has been amended to provide proper antecedent basis for the speech processor which is a part of the ear piece and to make clear that the ear piece includes a transmitter and a receiver. In addition, claim 1 has been amended to provide additional structural details concerning the cradle. Claim 1 now requires "a cradle for supporting a host device, the cradle comprising a base, and at least one sidewall to form a cavity for supporting the host device, a connector mounted to the base for matingly connecting with an external connector of the host device, a second transmitter and a second receiver, the connector operatively connected to the second transmitter and the second receiver, the host device removably mounted in the cradle."

It is respectfully submitted that Anderson does not disclose this structure. In particular, the basis for the Examiner finding a cradle in Anderson appears to be Figure 2 and column 5, lines 61-column 6, line 25. It is respectfully submitted that Anderson does not disclose the "cradle" of the present device. It would appear in Anderson that the handset 28 is an integral portion of the RPU 23 and is not "removably mounted". In addition, the cradle does not

comprise a base, at least one sidewall to form a cavity for supporting the host device, or a connector mounted to the base for matingly connecting with an external connector of the host device. Therefore, it is respectfully submitted that this rejection should be withdrawn. As claims 2-10 depend from claim 1, it is respectfully submitted that these rejections should also be withdrawn as neither Puthuff nor Viallet disclose the missing limitations.

Claim 17 has also been amended. Claim 17 now requires the step of "transmitting the voice sound information from the first transmitter to a second receiver in a cradle for supporting a host device, the cradle comprising a base, and at least one sidewall to form a cavity for supporting the host device, a connector mounted to the base for matingly connecting with an external connector of the host device." For the same reasons expressed with respect to claim 1, it is also submitted that Anderson does not disclose this limitation either. As claim 18 depends from claim 17, it is respectfully submitted that both rejections should properly be withdrawn.

It is also noted that support for the amendment is clear from the application as originally filed, including Figure 1 and the description of page 9, lines 3-19.

ISSUES UNDER 35 U.S.C. § 103(a)

Claims 10 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson U.S. Patent No. 6,181,801 to Puthuff et al. As previously explained, claim 10 depends from claim 1 and neither Anderson or Puthuff alone or in combination teach each and every limitation of claim 1. Therefore, it is respectfully submitted that this rejection should be withdrawn. It is also noted that claim 13 has been cancelled, thereby mooted this rejection.

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 5,917,698 to Viallet. Claim 3 depends from claim 1. It is respectfully

submitted that Viallet does not disclosing the missing limitations from the Anderson reference, therefore this rejection should also appropriately be withdrawn.

CONCLUSIONS


Based upon the foregoing, Applicant respectfully submits that all pending claims are in condition for immediate allowance, as they are patentably distinguishable over the prior art.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for one month from July 10, 2003 to August 10, 2003.

Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$55.00 to cover the cost of the one month extension.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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